UNITED STATES PATENT AND TRADEMARK OFFICE

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LAW OFFICE OF JIM BOICE
3839 BEE CAVE ROAD, SUITE 201
WEST LAKE HILLS, TX 78746

EXAMINER
NGUYEN, DUSTIN

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/772,135
Filing Date: February 04, 2004
Appellant(s): TAN ET AL.

Steven M. Greenberg
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/14/2009 appealing from the Office action

mailed 03/04/2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,278,993	Kumar et al.	08-2001
6,408,336	Schneider et al.	06-2002
6,973,493	Slaughter et al.	12-2005
2004/0083386	Marquet el al.	04-2004
2004/0103339	Chalasani et al.	05-2004

Foster et al., The Physiology Grid An Open Grid Services Architecture for Distributed

Systems Integration", 06/22/2002, http://globus.org/research/papers/ogsa.pdf

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Chalasani et

al. (US 2004/0103339), hereafter Chalasani.

Regarding claim 1, Chalasani discloses:

Transmitting an OGSA operational rule from one node to another that is

configured to apply the result to a request for service from the first node where

the rule specifies how the request for service is handled. ([0039-0041] disclose

sending the service to another node, the wrapped service tells the node what

service to give to those that request service.)

wherein the operational rule comprises a rule associated with at least one

of security, error recovery, and business transaction terms/conditions associated

with the request for service. (at least [0033] discusses sending business service

level assertions and security assertions)

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-10, 13-22, 25-34, and 37 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kumar et al. (US 6278993), hereafter Kumar, in view of Foster et al.

"The Physiology of the Grid", hereafter Foster, and in further view of Schneider et al. (US 7408336), hereafter Schneider.

Regarding **claims 1, 13, 25 and 37**, Kumar discloses:

A method of configuring nodes for service requests, the method comprising:

transmitting an operational rule from a first service node that receives a request for service to a second service node that is configured to apply the operational rule to the request for service in response to the request from the first service node for service. (Fig. 10, items 215 and 213. The first node transmits the search query to a search function)

wherein the operational rule comprises a rule associated with at least one of security, error recovery, and business transaction terms/conditions associated with the request for service. (Col. 24, lines 53-54, the search request for bios flash upgrades is associated with both security and error recovery.)

Kumar discloses all the limitations of claims 1-10, 13-22, 25-34, and 37 except for using the OGSA.

The general concept of using an OGSA to provide network services is well known in the art as taught by Foster.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kumar with the general concept of providing services over OGSA as taught by Foster in order to provide users with more efficient and timely access to search services.

Kumar and Foster teach all the limitations of claims 1-10, 13-22, 25-34, and 37 except for the operational rule providing different operations based upon the requestor of the service.

The general concept of providing different operations based upon the requestor of a service is well known in the art as taught by Schnieder. (Col. 9-10 teach the differentiation of access to services based upon who is requesting them, and where that request is coming from. (I.e. should the service be provided or not.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kumar and Foster with the general concept of providing different operations based upon the requestor of a service as taught by Schneider in order to ensure the security of private intranet search engines.

Regarding **claims 2, 14, and 26 as applied to claims 1, 13, and 25**, Kumar discloses:

propagating the operational rule from the second service node to a third service node that is registered with the second service node as capable of providing service thereto. (Fig. 10, items 219 and 223, the first search node transfers the search query to a private search node)

Regarding **claims 3, 15, and 27 as applied to claims 1, 13, and 25**, Kumar discloses:

wherein transmitting an operational rule is preceded by: registering the second node with the first service node to define the second service node as

available to the first service node to receive requests for service. (Col. 24 lines 43-47 disclose registering with the private search engine)

Regarding **claims 4, 16, and 28 as applied to claims 1, 13, and 25**, Kumar discloses:

> wherein the operational rule comprises a first operational rule, the method further comprising: modifying the first operational rule to provide a second operational rule; and transmitting the second operational rule to the second service node responsive to modifying the first operational rule. (Col. 25 lines 14-16 disclose modifying the search query before sending it to the private search engine)

Regarding **claims 5, 17, and 29 as applied to claims 1, 13, and 25**, Kumar discloses:

> receiving a first request for service at the first service node; determining that the first request is associated with the operational rule; applying the operational rule to the first request to provide a propagated first request; and transmitting the propagated first request to the second service node. (Fig. 10)

Regarding **claims 6, 18, and 30 as applied to claims 1, 13, and 25**, Kumar discloses:

> receiving a first request for service at the first service node; determining that the first request is associated with the operational rule; applying the operational rule to the first request to provide a propagated first request; and transmitting the propagated first request to a third service node rather than the

second service node responsive to a parameter associated with the third service

node. (Col. 23 lines 56-58 discloses that there may be multiple private search

engines which the user may be registered to.)

Regarding **claims 7, 19, and 31 as applied to claims 1, 13, and 25**, Kumar

discloses:

      receiving a first request for service at the first service node, the first

request for service including a token associated with the first request that further

defines how the first request is to be serviced; determining that the first request is

associated with the operational rule; applying the operational rule to the first

request to provide a propagated first request; and transmitting the propagated

first request and the token to the second service node. (Fig. 10, note that a token

is inherent in a IP packet. (Note that a token indicating Quality of Service is

inherent in a IP packet (Definition of the packet structure by pg. 98 Comer is

cited, note the Service Type field.)))

Regarding **claims 8, 20, and 32 as applied to claims 1, 7, 13, 19, 25, and 31**,

Kumar discloses:

      wherein the token comprises at least one of a price, geographic location,

and quality of service. (Note that a token indicating Quality of Service is inherent

in a IP packet (Definition of the packet structure by Comer pg. 98 is cited, note

the Service Type field.))

Regarding **claims 9, 21, and 33 as applied to claims 1, 13, and 25**, Kumar

discloses:

Regarding **claims 10, 22, and 34 as applied to claims 1, 13, and 25**, Kumar

discloses:

wherein the operational rule comprises an requestor identifier that

identifies a the first service node as transmitting the request for service the

second service node. (Col. 24, lines 53-54, the search request for bios flash

upgrades is associated the first service node (i.e. the pavilion server).)

5.   Claims 11-12, 23-24, and 35-36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Slaughter et al. (US 6973493), hereafter Slaughter in view of Foster

further in view of Marquet et al. (US 2004/0083386), hereafter Marquet.

Regarding **claims 11, 23, and 35**, Slaughter discloses:

A method of configuring secondary service nodes to handle service

requests from a primary service node in a service node network, the method

comprising:

receiving a request for registration at a primary service node from a

secondary service node including that the secondary service node is capable of

providing a service to the primary service node; (Col. 34 lines 13-14 discloses

that the client receives a "capability credential", i.e. a request for registration.)

registering that the secondary service node is capable of providing the

service with primary service node; transmitting a response from the primary

service node to the secondary service node including an operational rule that

defines how the service is to be provided to the primary service node; (Col. 34

lines 43-48 disclose the client specifying a rule for how results are to be returned

to the client.)

maintaining the operational rule accessible to the secondary service node

and associated with the primary service node; receiving a request for service

from the primary service node at the secondary service node; and providing

service to the primary service node responsive to determining that the request for

service is associated with the primary service node. (Col. 34 lines 65-67 - Col. 35

lines 1-5 disclose sending a request to the service and getting a result compliant

with the rule sent to the service)

Slaughter discloses all the limitations of claims 11-12, 23-24, and 35-36 except

for using the OGSA.

The general concept of using an OGSA to provide network services is well

known in the art as taught by Foster.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine Slaughter with the general concept of providing services over

OGSA as taught by Foster in order to provide users with more efficient and timely

access to services.

Slaughter and Foster teach all the limitations of claims 11-12, 23-24, and 35-36,

except for the rules (policies) being associated with security or error recovery, or being

associated with business transaction terms/conditions associated with the request for

service.

The general concept of transmitting security policies between nodes is well known in the art as taught by Marquet. (see [0022] which teaches the sending of security policy updates (i.e. rules) to nodes)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Slaughter and Foster with the general concept of transmitting security policies between nodes as taught by Marquet in order to more securely deliver advertisements of services and policy updates.

Regarding **claims 12, 24, and 36 as applied to claims 11, 23, and 35**, Slaughter discloses:

Claims 12, 24, and 36 are substantially the same as claims 11, 23, and 35 except that they state that the service is capable of servicing more than one node. Col. 33 line 60 discloses that there are multiple clients that may subscribe to services, therefore the services can register with multiple clients.

Slaughter discloses all the limitations of claims 11-12, 23-24, and 35-36 except for using the OGSA.

The general concept of using an OGSA to provide network services is well known in the art as taught by Foster.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Slaughter with the general concept of providing services over OGSA as taught by Foster in order to provide users with more efficient and timely access to services.

(10) Response to Argument

1.   As per remarks, Appeal brief, pages 8-13, Appellant argued that (1) Examiner

has not adequately articulated a finding that the prior art included each element claimed

with the only different between the claimed invention and the prior art being the lack of

actual combination of the elements in a single prior art reference, thus Kumar does not

teach "the operational rule comprises a rule associated with either security, error

recovery, or business transaction terms/conditions associated with the request for

service", wherein in Appellants' specification, the term "operations rule" is described as

pricing information, geographical information, specific information related to which

service provider to use, and the like [paragraph 0030].

2.   As to point (1), previous Office Action indicated that Kumar discloses the above

claimed limitation. Kumar discloses a method and apparatus for searching for and

returning data associated with URL's not indexed in traditional search engine

databases, by using secondary proxy engines [Abstract; and col 1, lines 25-28], such

that the user enters a query for a data search, and the query is transferred to SW 193

processing the query for a WEB search [Figure 10; and col 27, lines 26-49]. So the

question is, does the search request or query of Kumar, contain information such as the

operational rule comprising a rule associated with either security, error recovery, or

business transaction terms/conditions associated with the request for service, as

claimed, and wherein the "operational rule" including pricing information, geographical

information, specific information related to which service provider to use, and the like?

And, Examiner finds it does. Specifically, Kumar discloses a unique application

extension that enables a seamless bridge between a conventional search engine and a

private search engine, wherein a user may be invoked SW 183 by clicking on an

available link presented within browser application, and once the SW 183 is invoked,

the user operating through interface 178 enters a natural language query designed to

search for specific data, wherein the requested data is available in a deeper level of

data which may be accessed through use of one or more private SEs hosted by one or

more of the user's registered WEB service [col 24, lines 28-47]. In one example,

Kumar discloses the query may read "search my HP WEB site for "Bios flash upgrade

information for Pavilion" [col 24, lines 48-65]. As the example indicated, Kumar clearly

discloses which service provider to use based on the specific provided information [i.e.

search HP WEB site for information concerning Bios flash upgrade for Pavilion machine

]. As such, Kumar clearly discloses the claimed limitation of operational rule comprises

a rule associated with either security, error recovery, or business transaction

terms/conditions associated with the request for service. In another example, Kumar

discloses an example wherein a user may enter a request to return a summary of

pricing for all apartments renting for under $1000.00 per month located in a given area

(defined by the user) from apartments.com (one of user's registered WEB sites) [col

13, lines 31-45; and col 16, lines 51-62]. Kumar clearly discloses pricing information of

specific location to search for from a given website [broadly interpreted as operational

rule as defined in Appellant' specification]. Therefore, Kumar clearly discloses the

claimed invention and the claims remain rejected over the cited prior art.

3.   As per remarks, Appeal Brief, pages 13-15, Appellant argued that (2) Examiner

fails or wholly ignores the rejection of "the operational rule comprises a rule associated

with either security, error recovery, or business transaction terms/conditions associated

with the request for service" in claims 11, 23 and 35.

4.   As to point (2), it appears Appellant overlooked the rejection previous mailed on

03/04/2009. The Final Office Action mailed on this date clearly indicated claims 11, 23

and 35 are being rejected based on Slaughter, in view of Foster and Marquet et al. [US

Patent Application No 2004/0083386], not based on Slaughter and Foster alone as

argued by the Appellant, Brief, pages 13-15. Specifically, the above claimed limitation

are being rejected based on Marquet reference, paragraph 0022 [Final Office Action,

mailed on 03/04/2009, page 9]. Therefore, the arguments presented on pages 13-15 of

the Appeal Brief are moot in view of Slaughter, Foster and Marquet.

Note: Appellant did not mention the 35 USC 102(e) rejection for claim 1 based on

Chalasani et al. [US Patent Application No 2004/0103339] as previously indicated in

the Final Office Action mailed on 03/04/2009. Therefore, claim 1 still remains rejected

under 35 USC 102 (e) as well.

    (11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/DUSTIN NGUYEN/

Primary Examiner, Art Unit 2454

Conferees:

/NATHAN FLYNN/

Supervisory Patent Examiner, Art Unit 2454

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451